

REMARKS

1. Applicant requests continued examination of the claims as amended herein.

2. Applicant requests entry of the current amendment to the claims. Several claims are cancelled without prejudice. The amendments to Claim 3, 5, 7, 10 and 16 have antecedent basis in the previous claims. No new matter is introduced by the amendments.

Claim Rejections – 103(a)

3. Applicant acknowledges the Examiner's rejection of claim 3-8 and 13-15 under 35 U.S.C. 103(a) as being unpatentable over "Oki" (JP5-248496), in view of EP 0767509 (EP '509), but respectfully disagrees.

Claims 3, 5, and 7 now depend from claim 6. Claims 4, 8 and 13-15 are cancelled.

Regarding Claim 6, the Applicant respectfully submits the same argument as in the previous response with some new arguments as modified below, and again respectfully requests reconsideration of the rejection. The Examiner did not address this argument in the office action.

First of all, the Examiner states that Oki ("JP '496") further discloses a plurality of pieces of foreign matter, "each piece having a top, with said top closest to said contact face (14b) (see Fig. 2)." The Applicant respectfully disagrees. Fig. 2 of Oki shows round pieces of foreign matter (in cross section). Does a round object have a top? How does one know where the top is and that it is closest to the contact face? Without any preferred directional or orientational characteristic to call the top, the only reasonable definition would be the highest point/surface, which is not "closest to said contact face" for all pieces. So Oki lacks "*each piece having a top...*". The rejection thus should be withdrawn or modified.

Secondly Applicant respectfully submits that the Examiner has interpreted EP '509 too broadly. EP '509 discloses two distinct embodiments. The First Embodiment is shown in FIG's 1-5 and in the first portion of the specification which

concludes with the 6th from the last paragraph in the machine translation, which discloses a plurality of pellets (10) “colored with different colors and are of different lengths” according to that First Embodiment. However, this First Embodiment is only disclosed as relating to cylindrical pellets (10) which are also variously called pads or patches and are indicated in Fig. 1-3 as being wider than tall, thus not “*having a longitudinal direction...perpendicular...*” as recited in claim 6. Neither does this First Embodiment have the “*cross section of variable width*” of claim 5 which now depends on claim 6.

The Second Embodiment of EP ‘509 discloses conical pellets which have a longitudinal direction (18, 20, 21, 22) but are all equidistant from the surface (see Fig. 6 and 7; 5th from last paragraph). Therefore, the Second Embodiment does not provide all the missing elements from Oki for rejecting claim 6 (or 5 as amended).

Applicant respectfully submits that the Examiner has combined two distinct embodiments with no motivation or suggestion to do so present in the reference. The “different colors and ... lengths” associated with the First Embodiment” are for showing “different degrees of wear” in different areas. (6th from last paragraph). However, with cones according to the Second Embodiment, “With such a tablet, you know at any moment the degree of wear of the radome.” Thus, there is no suggestion or need expressed to combine the different lengths and colors of the First Embodiment with the cones of the Second Embodiment. As such, claim 6 is nonobvious.

Likewise, claim 10 as amended is nonobvious, and its dependent claims as well.

FEE STATEMENT

Any fees which may be required by the RCE, are authorized to be charged to Assignee’s deposit account number 07-0475.

In light of the forgoing amendments and remarks, favorable reconsideration of the allowability of all claims is respectfully solicited. If a telephone conference would help advance the case, the Examiner is encouraged to call the undersigned practitioner.

Respectfully submitted,

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